

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

The Matter of Application for registration of the mark **SILKIES** Serial No. 74/637,711 (the "Application") filed on May 3, 2006 by HCI Direct, Inc., ("Applicant") which was published in the Official Gazette on January 3, 2006

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Galderma S.A.	:	
	:	
Opposer,	:	
v.	:	Opposition No.:
	:	
	:	
HCI Direct, Inc.	:	
Applicant.	:	
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Commissioner For Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451**, on June 30, 2006.

WILLIAM S. FROMMER  
Name of Applicant, Assignee or Registered Representative

William S. Frommer  
Signature

June 30, 2006  
Date of Signature

**NOTICE OF OPPOSITION**

Galderma S.A. ("Opposer" or "Galderma"), a corporation of Switzerland, located and doing business at Zugerstrasse 8 Cham, CH-6330, Switzerland, believes it would be damaged by registration of the trademark **SILKIES** shown in Application Serial No. 76/637,711 and hereby opposes the **SILKIES** application.

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01 FC:6402

300.00 DP

As grounds for opposition, it is alleged as follows:

1. Opposer is one of the international leaders in the field of pharmaceuticals, specifically, dermatological pharmaceuticals. Opposer contributes to the treatment of dermatological diseases and conditions by developing and marketing products to meet the needs of dermatologists and their patients, and discovers, develops and markets products which are sold in the United States and throughout the world. Opposer has invested enormous sums of money to market a wide variety of innovative dermatological pharmaceutical products.

2. Opposer is the owner of U.S. Trademark Registration No. 1,814,674 dated January 4, 1994 for the **SILKIS** trademark which is registered on the Principal Register of the United States Patent and Trademark Office for "pharmaceutical preparations and substances for the treatment of dermatological disorders" in International Class 5. This registration is valid and subsisting and in full force and effect and is incontestable. Attached and made a part of this Opposition and marked as Exhibit 1 is a copy of the registration certificate.

3. Opposer's **SILKIS** registration has been maintained and was duly renewed, which renewal issued on or about February 17, 2004. More specifically, Opposer filed a combined Section 8 and 9 Declaration of Use/Renewal Application on or about August 6, 2003, which included a Declaration of Excusable Non-Use Under Section 8. The Trademark Office issued a Post-Registration action with respect to the Section 8 Declaration on or about November 7, 2003 and Opposer filed a response to said Action on or about January 30, 2004. Subsequently, on or about February 17, 2004, the Section 8 Declaration was accepted and the Section 9 renewal granted.

4. Opposer has spent and continues to spend substantial sums of money to advertise, promote and supply its various goods of high quality to its customers. Opposer has achieved an excellent reputation in the industry.

5. Opposer acquired the **SILKIS** mark to serve as a distinctive trademark of Opposer, to represent the good will of Opposer's business, and to identify the exclusive origin of certain goods from Opposer and to distinguish Opposer's goods from those of others.

6. Opposer's **SILKIS** mark is an arbitrary or fanciful term, and has no known generic or descriptive meaning, no known meaning in a foreign language and no particular significance in the trade or industry.

7. Applicant seeks to register **SILKIES** as a trademark in International Class 5 for "non-medicated skin care products, namely body scrub, foaming milk bath, body lotion, body spritzer, lip balm, bath and shower gel, moisturizers, facial cleanser" and filed U.S. trademark application Serial No. 76/637,711 on May 3, 2005 claiming a date of first use of May, 2004. Applicant's mark was published in the Official Gazette on January 3, 2006.

8. Applicant's alleged mark **SILKIES** closely resembles the Opposer's **SILKIS** mark in both appearance and pronunciation.

9. Applicant's alleged trademark **SILKIES** is so similar to Opposer's **SILKIS** mark when used in connection with the recited goods, that it is likely to cause confusion, mistake, or deception with consequent injury to Opposer and the public.

10. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant's mark sought to be registered, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

11. Applicant's alleged trademark **SILKIES**, when used in conjunction with the recited goods, is likely to cause confusion or mistake or deception with consequent injury to Opposer and the public.

12. Due to the similarity between the respective marks **SILKIS** and **SILKIES** and the recited goods, it is likely that Applicant will benefit from trading on the good will and reputation established over many years by Opposer.

13. For the foregoing reasons, Applicant is not entitled to registration of the mark **SILKIES** and registration should be refused pursuant to Section 2(d) of the Trademark Act on the grounds that Applicant's alleged **SILKIES** mark so resembles Opposer's **SILKIS** mark as to cause confusion, mistake, and/or deception.

14. Opposer therefore believes it will be damaged by the registration of **SILKIES** by Applicant.

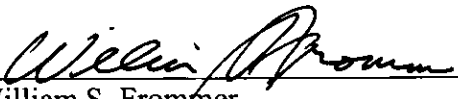
**WHEREFORE**, Opposer respectfully requests that this Opposition be sustained and that Application Serial No. 76/637,711 filed May 3, 2005 be rejected and disallowed, and that registration of **SILKIES** to Applicant be refused.

A check in the amount of \$300.00 is enclosed to cover the fee for filing this Notice of Opposition. If any additional fees are determined to be due, the Commissioner is hereby authorized to charge any additional fees to our deposit account number 50-0320.

This Notice of Opposition is filed in triplicate and the Patent and Trademark Office is requested to serve a copy of this Notice on the Applicant or its attorneys.

Respectfully submitted,

Dated: June 30, 2006

By:   
William S. Frommer  
Marilyn Matthes Brogan  
745 Fifth Avenue  
New York, New York 10151  
(212) 588-0800

Int. Cl.: 5

Prior U.S. Cl.: 18

**United States Patent and Trademark Office**

Reg. No. 1,814,674

Registered Jan. 4, 1994

**TRADEMARK  
PRINCIPAL REGISTER**

**SILKIS**

SOLVAY DUPHAR B.V. (NETHERLANDS COR-  
PORATION)  
C.J. VAN HOUTENLAAN 36  
WEESP, NETHERLANDS

OF DERMATOLOGICAL DISORDERS, IN  
CLASS 5 (U.S. CL. 18).

OWNER OF BENELUX REG. NO. 494842,  
DATED 8-6-1991, EXPIRES 8-6-2001.

FOR: PHARMACEUTICAL PREPARATIONS  
AND SUBSTANCES FOR THE TREATMENT

SER. NO. 74-378,438, FILED 4-13-1993.

JOHN MICHOS, EXAMINING ATTORNEY

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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Galderma S.A.	:
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Opposer,	:
v.	:
	:
	:
HCI Direct, Inc.	:
Applicant.	:
-----X	

Opposition No.:

**MOTION FOR SUSPENSION**

Opposer hereby moves for a six month suspension of proceedings and of all time periods in this matter, from June 30, 2006 up to and including December 30, 2006.

A telephone call was placed to Donald L. Dennison, attorney for Applicant, HCI Direct, Inc., on June 30, 2006 to request Mr. Dennison's consent to this motion, but Mr. Dennison was not available. Settlement discussions have been ongoing between attorneys for opposer and Mr. Dennison, and it is believed additional time is needed to resolve this issue. The below-named attorney believes, in good faith, that Mr. Dennison, when reached, will consent to this motion for suspension.

This suspension is requested in order to provide the parties with an opportunity to discuss settlement. This request is not made for purposes of delay.

07-05-2006

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

This suspension is requested without prejudice to the right of either party to move for reinstatement of this proceeding.

It is respectfully requested the Board grant this Motion.

Respectfully submitted,

Dated: New York, New York  
June 30, 2006

By:



William S. Frommer  
Marilyn Matthes Brogan  
Deena Levy Weinhouse  
FROMMER LAWRENCE & HAUG LLP  
745 Fifth Avenue  
New York, New York 10151  
Tel. (212) 588-0800  
Fax (212) 588-0500

Attorneys for Opposer  
Galderma S.A.



**CERTIFICATE OF SERVICE**

On June 30, 2006, a copy of the foregoing **MOTION FOR SUSPENSION ON CONSENT** was served by first class mail, postage pre-paid upon the attorney for Applicant as follows:

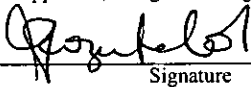
Donald L. Dennison, Esq.  
Dennison, Schultz, Dougherty & MacDonald  
1727 King Street, Ste. 105  
Alexandria, VA 22314-2700  
Tel.: (703) 837-9600  
Fax: (703) 837-0980



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Magali Rozenfeld

\_\_\_\_\_  
Name of Applicant, Assignee or Registered Representative



\_\_\_\_\_  
Signature

\_\_\_\_\_  
June 30, 2006

\_\_\_\_\_  
Date of Signature



This suspension is requested without prejudice to the right of either party to move for reinstatement of this proceeding.

It is respectfully requested the Board grant this Motion.

Respectfully submitted,

Dated: New York, New York  
July 5, 2006

By: 

William S. Frommer  
Marilyn Matthes Brogan  
Deena Levy Weinhouse  
FROMMER LAWRENCE & HAUG LLP  
745 Fifth Avenue  
New York, New York 10151  
Tel. (212) 588-0800  
Fax (212) 588-0500

Attorneys for Opposer  
Galderma S.A.

**CERTIFICATE OF SERVICE**

On July 5, 2006, a copy of the foregoing **SUPPLEMENT TO MOTION FOR  
SUSPENSION** was served by first class mail, postage pre-paid upon the attorney for Applicant  
as follows:

Donald L. Dennison, Esq.  
Dennison, Schultz, Dougherty & MacDonald  
1727 King Street, Ste. 105  
Alexandria, VA 22314-2700  
Tel.: (703) 837-9600  
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William S. Frommer

\_\_\_\_\_  
Name of Applicant, Assignee or Registered Representative



\_\_\_\_\_  
Signature

\_\_\_\_\_  
July 5, 2006

\_\_\_\_\_  
Date of Signature